

ASSEMBLY BILL

No. 916

Introduced by Assembly Member Logue

February 26, 2009

An act to amend Sections 13291 and 13291.5 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 916, as introduced, Logue. Onsite sewage treatment systems: recommended standards.

Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with other persons and entities, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the board to apply those regulations or standards to those systems commencing 6 months after their adoption.

This bill, instead, would require the state board, in consultation with other persons and entities, to adopt recommended standards for the permitting and operation of those systems.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13291 of the Water Code is amended to
2 read:
3 13291. (a) ~~On or before January 1, 2004, the~~ The state board,
4 in consultation with the State Department of Health Services ~~Public~~

1 *Health*, the California Coastal Commission, the California
2 Conference of Directors of Environmental Health, counties, cities,
3 and other interested parties, shall adopt ~~regulations or~~
4 *recommended* standards for the permitting and operation of all of
5 the following onsite sewage treatment systems in the state ~~and~~
6 ~~shall apply those regulations or standards commencing six months~~
7 ~~after their adoptions:~~

8 (1) Any system that is constructed or replaced.

9 (2) Any system that is subject to a major repair.

10 (3) Any system that pools or discharges to the surface.

11 (4) Any system that, in the judgment of a regional board or
12 authorized local agency, discharges waste that has the reasonable
13 potential to cause a violation of water quality objectives, or to
14 impair present or future beneficial uses of water, to cause pollution,
15 nuisance, or contamination of the waters of the state.

16 (b) ~~Regulations or standards~~ *Recommended standards* adopted
17 pursuant to subdivision (a), shall include, but shall not be limited
18 to, all of the following:

19 (1) Minimum operating requirements that may include siting,
20 construction, and performance requirements.

21 (2) Requirements for onsite sewage treatment systems adjacent
22 to impaired waters identified pursuant to subdivision (d) of Section
23 303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).

24 (3) Requirements authorizing a qualified local agency to
25 implement those requirements adopted under this chapter within
26 its jurisdiction if that local agency requests that authorization.

27 (4) Requirements for corrective action when onsite sewage
28 treatment systems fail to meet the requirements or standards.

29 (5) Minimum requirements for monitoring used to determine
30 system or systems performance, if applicable.

31 (6) Exemption criteria to be established by regional boards.

32 (7) Requirements for determining a system that is subject to a
33 major repair, as provided in paragraph (2) of subdivision (a).

34 (c) This chapter does not diminish or otherwise affect the
35 authority of a local agency to carry out laws, other than this chapter,
36 that relate to onsite sewage treatment systems.

37 (d) This chapter does not preempt any regional board or local
38 agency from adopting or retaining standards for onsite sewage
39 treatment systems that are more protective of the public health or
40 the environment than this chapter.

1 (e) Each regional board shall incorporate the ~~regulations or~~
2 *recommended* standards adopted pursuant to subdivisions (a) and
3 (b) into the appropriate regional water quality control plans.

4 SEC. 2. Section 13291.5 of the Water Code is amended to read:

5 13291.5. It is the intent of the Legislature to assist private
6 property owners with existing *onsite sewage treatment* systems
7 who incur costs as a result of the implementation of the ~~regulations~~
8 *recommended standards* established under ~~this section~~ *Section*
9 *13291* by encouraging the state board to make loans under Chapter
10 6.5 (commencing with Section 13475) to local agencies to assist
11 private property owners whose cost of compliance with these
12 ~~regulations~~ *recommended standards* exceeds one-half of one
13 percent of the current assessed value of the property on which the
14 onsite sewage system is located.